

June 6, 2011

VIA FIRST-CLASS MAIL AND E-MAIL

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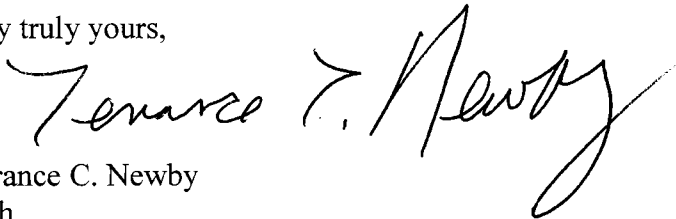
RE: B-50.com, LLC v. InfoSync Services, LLC
Civil Action No. 3:10-CV-1994-D
Our File No. 326.005LG01

Dear Counsel:

Enclosed and served upon you, please find B-50's Amended Preliminary Infringement Contentions, as required by Amended Miscellaneous Order No. 62, and Judge Fitzwater's order of March 29, 2011.

Please call if you have questions.

Very truly yours,



Terrance C. Newby
/nmh

Cc: Bruce Clark
Richard Urquhart
James Holbrook

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

B-50.com, LLC,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 3:10-CV-01994-D
)	
InfoSync Services, LLC.,)	
An Oklahoma Corporation)	(Jury Trial Demanded)
)	
Defendant.)	

**PLAINTIFF'S AMENDED PRELIMINARY INFRINGEMENT CONTENTIONS
PURSUANT TO AMENDED MISCELLANEOUS ORDER NO. 62**

Pursuant to Fed. R. Civ. P. 26(a)(1), Amended Miscellaneous Order No. 62 § 3-1(a), and this Court's Order of March 29, 2011 (Document No. 35), counsel for Plaintiff B-50.com, LLC ("Plaintiff," or "B-50") makes the following Amended Preliminary Infringement Contentions to Defendant InfoSync Services, LLC ("InfoSync"):

(1) Each claim of each patent in suit that is allegedly infringed by each opposing party;

RESPONSE; Plaintiff contends that Defendant's Accused Products infringe Claim 1 of United States Patent No. 6,633,851 B1 (the '851 Patent), which claims "a method of generating custom reports based on restaurant point-of-sale data transferred between multiple remote computing devices and a central computing device." The method described in Claim 1 contains several steps, including (a) transferring point-of-sale data to a central computing device; (b) a restaurant-industry user logging into a web site for the purpose of defining a custom report format, using several selection operations, (c) generating a custom report using the custom report format; and (d) enabling the restaurant-industry user to view or obtain the generated custom report using the Internet.

(2) Separately for each asserted claim, each accused apparatus, product, device, process, method, act, or other instrumentality ("accused instrumentality") of each opposing party of which the party is aware. This identification must be as specific as possible. Each product, device, and apparatus must be identified by name or model number, if known. Each method or process must be identified by name, if known, or by any product, device, or apparatus that, when used, allegedly results in the practice of the claimed method or process;

RESPONSE; Defendant is making, using, selling and/or offering for sale products, methods and/or systems, known as “RightViewWeb reporting application” that infringe, or allow other parties to infringe, B-50’s rights under the ‘851 Patent. Defendant describes its product as follows:

InfoSync’s RightViewWeb reporting application provides secure, online, single sign on access to operational, menu mix, accounting and payroll data from our systems in Excel, HTML and .PDF formats. Many reports utilize drill-thru capability allowing research from a single interface. Multiple rollups (store, area, market, district, etc.) allow users to interact with their data easily. Security is user-specific and can be as wide as the entire company or as narrow as a single store.

(Exhibit C.)

Defendant’s “RightViewWeb reporting application” is the only currently known Accused Product. Plaintiff will supplement this disclosure when Defendant produces additional information about its products in discovery. Plaintiff reserves the right to add additional Accused Products if they are revealed during discovery.

(3) A chart identifying specifically and in detail where each element of each asserted claim is found within each accused instrumentality, including for each element that such party contends is governed by 35 U.S.C. § 112(6), the identity of each structure, act, or material in the accused instrumentality that performs the claimed function;

RESPONSE; Plaintiff asserts that Defendant’s RightViewWeb product infringes Claim 1 of the ‘851 patent. Claim 1 of the ‘851 Patent is a method claim that reads as follows:

1. A method of generating custom reports based on restaurant point-of-sale data transferred between multiple remote computing devices and a central computing device, the method comprising:

(a) transferring point-of-sale data to a central computing device from multiple computing devices at multiple remote locations, wherein such locations comprise restaurants;

(b) a restaurant-industry user logging into a web site for the purpose of defining a custom report format using an Internet-browser interface, wherein such defining is initiated with web-based report generating selection operations starting from a report initiating page and concluding with a report request selection, wherein the selection operations include:

displaying on a page one or more report formats, wherein each displayed report format is presented at least in part with textual information indicative of the nature of the report format, wherein the page is configured to process a selection operation from the restaurant-industry user that specifies at least one of the report formats, and wherein the at least one report format accesses a selected portion of the point-of-sale data as defined in one or more queries used to populate the at least one report format;

displaying on a page one or more remote locations associated with the restaurant-industry user according to one or more user permissions that can be assigned by an administrator on a user-by-user basis, wherein each displayed remote location is presented at least in part with textual information indicative of the remote location, and wherein the page is configured to process a selection operation from the restaurant-industry user that specifies at least one of the remote locations;

displaying on a page one or more operative data-entry fields configured to process a selection operation from the restaurant-industry user that specifies one or more dates or date ranges, wherein the operative data-entry fields are substantially only those required to obtain the dates or date ranges associated with the at least one specified report format;

wherein the restaurant-industry user navigates between one or more of the selection operations using Internet-browser navigation mechanisms; and

wherein access to and administration of the underlying point-of-sale data is controlled as a function of the report formats and remote locations made available for the user to choose in defining the custom report format so that the user obtains access only to a selected portion of the point-of-sale data;

(c) generating a custom report using the custom report format, the custom report being based on point-of-sale data related to the specified remote locations and the specified dates or date ranges; and

(d) enabling the restaurant-industry user to view or obtain the generated custom report using the Internet.

Each element of Claim 1 of the '851 Patent is found within Defendant's RightViewWeb product (the accused instrumentality) as follows:

<u>Element of Claim 1</u>	<u>Element of Claim 1 Found in RightViewWeb Product</u>
A method of generating custom reports based on restaurant point-of-sale data transferred between multiple remote computing devices and a central computing device;	<p>"InfoSync Services is the right source for comprehensive accounting, payroll and reporting outsourcing services <i>for multi-unit restaurant companies</i>. Our clients benefit from our proven, client-specific services. We give you over 25 years of dedicated experience and commitment serving the particular accounting, payroll and reporting needs of <i>multi-unit restaurant operators through the development and delivery of industry-specific solutions</i>."</p> <p>(Restaurant point-of-sale data, and multiple remote computing devices, Exhibit A.)</p>

	<p>“Access to InfoSync’s system is provided through our RightViewWeb reporting application. In addition to general ledger, accounts payable, and payroll, <i>many clients utilize RightViewWeb to access data from our operational data warehouse.</i>”</p> <p>(Central computing device, Exhibit B.)</p> <p>“RightViewWeb is used by our clients to access information from all of InfoSync’s systems. <i>Reports are easy to obtain through our custom user interfaces.</i>”</p> <p>(Method of generating custom reports, and multiple remote computing devices, Exhibit C.)</p> <p>“InfoSync’s RightViewWeb reporting application provides secure, online, single sign on access to operational, menu mix, accounting and payroll data from our systems in Excel, HTML and .PDF formats. Many reports utilize drill-thru capability allowing research from a single interface. Multiple rollups (store, area, market, district, etc.) allow users to interact with their data easily. Security is user-specific and can be as wide as the entire company or as narrow as a single store.”</p> <p>(Method of generating custom reports, and multiple remote computing devices, Exhibit C.)</p>
<p>(a) transferring point-of-sale data to a central computing device from multiple computing devices at multiple remote locations, wherein such locations comprise restaurants;</p>	<p>“Access to InfoSync’s system is provided through our RightViewWeb reporting application. In addition to general ledger, accounts payable, and payroll, <i>many clients utilize RightViewWeb to access data from our operational data warehouse.</i>”</p> <p>(Central computing device, Exhibit B.)</p> <p>Data from individual restaurants is pulled</p>

	<p>from each restaurant, organized and then loaded onto InfoSync's server.</p> <p>(Transferring point-of-sale data to a central computing device from multiple computing devices at multiple remote locations, wherein such locations comprise restaurants.)</p> <p>(RightViewWeb live video demonstration, April 21, 2011, at 18:50 through 20:25 of demonstration video.)</p>
(b) a restaurant-industry user logging into a web site for the purpose of defining a custom report format using an Internet-browser interface,	<p>The restaurant-industry user logs in to the RightViewWeb site using a web browser which allows the user to define the custom report format by selecting from various operational reports.</p> <p>(RightViewWeb live video demonstration, April 21, 2011, at 4:00 through 5:00 of demonstration video.)</p>
wherein such defining is initiated with web-based report generating selection operations starting from a report initiating page and concluding with a report request selection,	<p>A user of RightViewWeb must have a web browser. The user uses the web browser to define the requested report starting from a report initiating page (for example, "Operational Reports"), and concluding with a report request selection (for example, "Key Indicators").</p> <p>(RightViewWeb live video demonstration, April 21, 2011, at 4:45 through 6:01 of demonstration video.)</p>
wherein the selection operations include: displaying on a page one or more report formats, wherein each displayed report format is presented at least in part with textual information indicative of the nature of the report format, wherein the page is configured to process a selection operation from the restaurant-industry user that specifies at least one of the report formats,	<p>A user of RightViewWeb will see a page with a report format, (for example, "Operational Reports") that contains textual information explaining the type of report available. The page is configured so the user can specify at least one of the report formats (for example, "Key Indicators," or "Discount Summary").</p> <p>(RightViewWeb live video demonstration,</p>

	April 21, 2011, at 4:45 through 7:21 of demonstration video.)
and wherein the at least one report format accesses a selected portion of the point-of-sale data as defined in one or more queries used to populate the at least one report format;	<p>The report format (for example, "Operational Reports") allows the user to access a selected portion of the point-of-sale data as defined in one or more queries used to populate the report format (for example "Key Indicators" or "Discount Summary" or "Menu Mix Inquiry").</p> <p>(RightViewWeb live video demonstration, April 21, 2011, at 4:45 through 7:21 of demonstration video.)</p>
displaying on a page one or more remote locations associated with the restaurant-industry user according to one or more user permissions that can be assigned by an administrator on a user-by-user basis, wherein each displayed remote location is presented at least in part with textual information indicative of the remote location, and wherein the page is configured to process a selection operation from the restaurant-industry user that specifies at least one of the remote locations;	<p>A user of RightViewWeb will see at least one page that displays one or more remote locations associated with the restaurant-industry user according to one or more user permissions that can be assigned by an administrator on a user-by-user basis. Each displayed remote location is presented at least in part with textual information that describes the remote location. The page is configured to process a selection operation from the restaurant-industry user that specifies at least one of the remote locations.</p> <p>(RightViewWeb live video demonstration, April 21, 2011, at 6:35 through 7:35 of demonstration video.)</p>
displaying on a page one or more operative data-entry fields configured to process a selection operation from the restaurant-industry user that specifies one or more dates or date ranges, wherein the operative data-entry fields are substantially only those required to obtain the dates or date ranges associated with the at least one specified report format;	<p>A user of RightViewWeb will see at least one page that displays data-entry fields configured to process a selection operation from the restaurant-industry user that specifies one or more dates or date ranges. The data-entry fields used to select dates or date ranges are used only to obtain the dates or date ranges associated with a specified report format.</p>

	(RightViewWeb live video demonstration, April 21, 2011, at 5:10 through 5:44 of demonstration video.)
wherein the restaurant-industry user navigates between one or more of the selection operations using Internet-browser navigation mechanisms;	<p>A user of RightViewWeb uses a Web browser to navigate between the selection operations – the RightViewWeb system requires the user to have a Web browser.</p> <p>(RightViewWeb live video demonstration, April 21, 2011, at 4:00 through 5:58 of demonstration video.)</p>
and wherein access to and administration of the underlying point-of-sale data is controlled as a function of the report formats and remote locations made available for the user to choose in defining the custom report format so that the user obtains access only to a selected portion of the point-of-sale data;	<p>Defendant InfoSync controls both access to and administration of the underlying point-of-sale data as a function of the report formats and remote locations made available for the user to choose in defining the custom report format. RightViewWeb users obtain access only to a selected portion of the point-of-sale data.</p> <p>(RightViewWeb live video demonstration, April 21, 2011, at 7:44 through 9:25 of demonstration video, and 21:10 through 21:42 of demonstration video.)</p>
(c) generating a custom report using the custom report format, the custom report being based on point-of-sale data related to the specified remote locations and the specified dates or date ranges; and	<p>A user of RightViewWeb will generate a custom report using the previously-selected format, based on point-of-sale data related to specific locations and within specified dates or date ranges.</p> <p>(RightViewWeb live video demonstration, April 21, 2011, at 4:20 through 6:15 of demonstration video.)</p>
(d) enabling the restaurant-industry user to view or obtain the generated custom report using the Internet.	<p>A user of RightViewWeb will view or obtain the generated custom report using the Internet, specifically an Internet Web browser.</p> <p>(RightViewWeb live video demonstration, April 21, 2011, at 4:20 through 6:15 of demonstration video.)</p>

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(4) Whether each element of each asserted claim is claimed to be literally present or present under the doctrine of equivalents in the accused instrumentality;

RESPONSE: Plaintiff asserts that Claim 1 of the '851 patent is a method claim. Each element of each asserted claim is literally present in Defendant's RightViewWeb product, as explained in the chart above. Plaintiff reserves the right to assert infringement by equivalents if additional information becomes available during discovery. Plaintiff reserves the right to assert both literal infringement and infringement by equivalents if Defendant produces additional information during discovery, or if additional information is produced from other sources.

(5) For any patent that claims priority to an earlier application, the priority date to which each asserted claim allegedly is entitled;

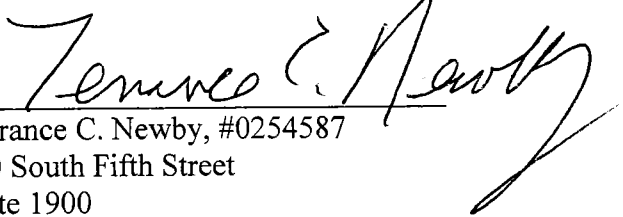
RESPONSE: The '851 Patent claims priority to a previous application, Provisional application No. 60/157,467, filed on October 1, 1999.

(6) If a party claiming patent infringement wishes to preserve the right to rely, for any purpose, on the assertion that its own apparatus, product, device, process, method, act, or other instrumentality practices the claimed invention, the party must identify, separately for each asserted claim, each such apparatus, product, device, process, method, act, or other instrumentality that incorporates or reflects that particular claim.

RESPONSE: Plaintiff does not intend to assert that its own apparatus, product, device, process, method, act, or other instrumentality practices the claimed invention.

Dated: June 6, 2011

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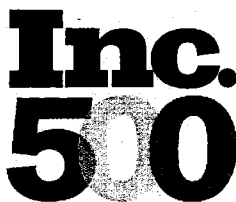
**ATTORNEYS FOR PLAINTIFF
B-50.com, LLC**

EXHIBIT A



the Right Information ... to the Right Person ... at the Right Time!

- » Home
- About Us
- Contact Us
- Client Benefits
- Employment
- Services List

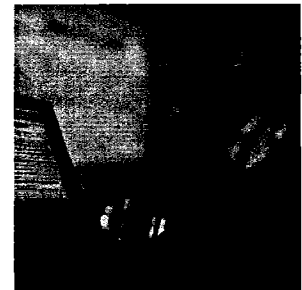


InfoSync Services named to the 2010 Inc. 500, one of the fastest growing private firms in the USA.

ACCOUNTING, PAYROLL AND REPORTING OUTSOURCING SERVICES FOR MULTI-UNIT RESTAURANT COMPANIES

InfoSync Services is the right source for comprehensive accounting, payroll and reporting outsourcing services for multi-unit restaurant companies. Our clients benefit from our proven, client-specific services. We give you over 25 years of dedicated experience and commitment serving the particular accounting, payroll and reporting needs of multi-unit restaurant operators through the development and delivery of industry-specific solutions.

InfoSync operates service centers in Wichita, Kansas and Oklahoma City, Oklahoma. Both centers support multi-unit restaurant companies throughout the United States. Our clients are able to focus on their business and operations while saving money through reduced overhead costs. We provide them the Right Information ... to the Right Person ... at the Right Time!



Clients enjoy using InfoSync's unique RightViewWeb internet-based, client-specific reporting service for timely operational and financial information.

EXHIBIT B



- **Home**
- **About Us**
- **Contact Us**
- **Client Benefits**
- **Employment**
- **Services List**

Services List

We are the leading national provider to multi-unit restaurant companies of outsourced Accounting, Payroll and Reporting services. Our client-centric teams offer extensive services that save our clients time, money and enhance their operational and management focus.

Accounting



InfoSync provides client-specific accounting services including Accounts Payable, Sales Reporting, Bank Account Reconciliation and Financial Statements utilizing industry-specific solutions coupled with leading edge web based reporting technology.

• [More details...](#)

Payroll



Payroll and Benefits services are provided to our clients and their employees utilizing integrated, industry-specific applications. These services are based on client-specific policies and processes.

• [More details...](#)

Reporting



Access to InfoSync's system is provided through our RightViewWeb reporting application. In addition to general ledger, accounts payable, and payroll, many clients utilize RightViewWeb to access data from our operational data warehouse. This technology is unmatched in the industry.

• [More details...](#)

EXHIBIT C



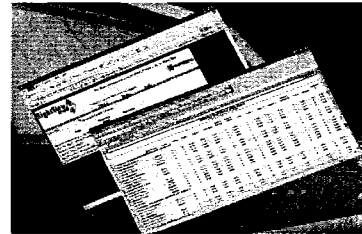
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REPORTING & DATA WAREHOUSING

[Return to Service List](#)

Overview

InfoSync's RightViewWeb reporting application provides secure, online, single sign on access to operational, menu mix, accounting and payroll data from our systems in Excel, HTML and .PDF formats. Many reports utilize drill-thru capability allowing research from a single interface. Multiple rollups (store, area, market, district, etc.) allow users to interact with their data easily. Security is user-specific and can be as wide as the entire company or as narrow as a single store. In addition, RightViewWeb is used to access InfoSync's document imaging system (e.g. scanned accounts payable invoices).



RightViewWeb is used by our clients to access information from all of InfoSync's systems. Reports are easy to obtain through our custom user interfaces.